

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANKLIN XAVIER,

Defendant.

2008-CR-0018-01

TO: Kim Lindquist, Esq., AUSA
Amelia B. Joseph, Esq.
Jomo Meade, Esq.

ORDER DENYING DEFENDANT FRANKLIN XAVIER'S MOTION TO
WITHDRAW MOTION FOR CONTINUANCE

THIS MATTER came before the Court upon Defendant Franklin Xavier's Motion to Withdraw Motion For Continuance (Docket No. 79). A hearing was held on February 26, 2009. The government was represented by Kim Lindquist, Esq., AUSA; and Amelia B. Joseph, Esq., appeared on behalf of said Defendant. Defendant Franklin Xavier also was present.

The record reflects that said Defendant's Motion For Continuance already was ruled upon and granted by the Court's Order Granting Defendant Franklin Xavier's Motion For Continuance (Docket No. 72), entered February 4, 2009. It also should be noted that at the

United States v. Xavier

2008-CR-0018-01

Order Denying Defendant Franklin Xavier's Motion to Withdraw Motion For Continuance

Page 2

hearing upon said motion, the Court confirmed with said Defendant, in open court, said Defendant's desire for a continuance. The record further reflects that a superseding indictment was filed against said Defendant. Based upon the foregoing, the Court finds the motion to withdraw motion moot.

WHEREFORE, it is now hereby **ORDERED** that Defendant Franklin Xavier's Motion to Withdraw Motion For Continuance (Docket No. 79) is **DENIED AS MOOT**.

ENTER:

Dated: February 26, 2009

/s/ George W. Cannon, Jr.
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE